

Moved by Davis

Seconded by Mortimer

IN THE SENATE
SENATE AMENDMENT TO S.B. NO. 1048

AMENDMENT TO BILL

On page 1 of the printed bill, delete lines 7 through 42, and on page 2, delete lines 1 through 34, and insert:

"SECTION 1. That Section 49-1505, Idaho Code, be, and the same is hereby amended to read as follows:

49-1505. SUSPENSION OF DRIVER'S LICENSE AND PRIVILEGES FOR FAILURE TO PAY UNDERLYING TRAFFIC INFRACTION PENALTY -- APPEAL. (1) The department shall immediately suspend the driver's license, permit and operating privileges of any driver upon receiving notice from any court of the state that a person has failed to pay the penalty for a traffic infraction judgment. The notice may be sent to the department by any court which shall certify that a judgment for an infraction not involving a pedestrian, a parking or a bicycle violation has been entered against the person and that he has failed to pay the penalty after notice and hearing, or opportunity for hearing, as prescribed by rule of the supreme court. No notice of nonpayment of an infraction penalty shall be sent to the department if the court finds that the person failing to pay the penalty has a complete and continuing financial inability to pay the penalty.

(2) The suspension of operating privileges under this section shall continue for a period of ninety (90) days or until the penalty has been paid, whichever comes first, from notice of suspension by the department. The suspension shall be processed by the department in the same manner as other suspensions under section 49-326, Idaho Code, except that no hearing shall be held by the department and the department shall not issue any temporary restricted permit. Upon receipt of the notice of nonpayment of the penalty from the court, the department shall perform the ministerial duty of giving official notification of suspension of the driver's license and operating privileges.

(3) Upon proper application and payment of any required fee, a driver's license, privileges or permit suspended under this section shall be reinstated by the department after the period of ninety (90) days, or shall be reinstated at an earlier date upon proof of payment of the penalty for the infraction. Upon payment of the infraction penalty, the court shall issue a receipt which may be filed with the department together with an application for reinstatement of the driver's license, privileges or permit.

(4) After the expiration of a ninety (90) day suspension under this section, the driver's license, permit and driving privileges of the driver whose driver's license, permit and driving privileges were suspended shall not be reinstated under the provisions of section 49-328, Idaho Code, nor renewed under the provisions of section 49-319, Idaho Code, until the penalty

1 for the infraction has been paid to the court in the county in which the cita-
2 tion was issued.

3 (5) Any person operating a motor vehicle after the expiration of a
4 ninety (90) day suspension under this section, whose driver's license, priv-
5 ileges or permit has not been reinstated under the provisions of section
6 49-328, Idaho Code, or renewed under the provisions of section 49-319, Idaho
7 Code, shall be in violation of the provisions of section 49-301, Idaho Code,
8 for operating a motor vehicle without a driver's license.

9 (6) Any person whose driver's license has been suspended under this
10 section may appeal to the district court in the county where the infraction
11 judgment was entered within the time and in the manner provided for criminal
12 appeals from the magistrates division to the district court. The appeal
13 shall be expedited as provided by rule of the supreme court. If the dis-
14 trict court finds that the notice of nonpayment of the infraction penalty
15 should not have been sent to the department for suspension of the driver's
16 license, privileges or permit, the district court shall order the privileges
17 be reinstated by the department and upon receipt of a copy of such order the
18 department shall reinstate the privileges without the payment of a fee.".

19 CORRECTION TO TITLE

20 On page 1, delete lines 2 through 5, and insert: "RELATING TO DRIVER'S LI-
21 CENSES; AMENDING SECTION 49-1505, IDAHO CODE, TO PROVIDE THAT THE IDAHO
22 TRANSPORTATION DEPARTMENT MAY NOT SUSPEND A DRIVER'S LICENSE FOR A
23 PARKING VIOLATION; AND DECLARING AN EMERGENCY.".